

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-07-121
	§	C.A. No. C-07-415
ADELAIDO MILAN, JR.	§	
	§	
Defendant/Movant.	§	

**ORDER GRANTING MOTION FOR EXTENSION**

On October 25, 2007, the Clerk received Movant Adelaido Milan, Jr.'s ("Milan") motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. (D.E. 27.) The Court ordered the government to respond and allowed Milan thirty days after service of the government's response to file a reply. (D.E. 28.) The government sought and received an extension of time (D.E. 30, 33), and filed a combined response and motion to dismiss on January 11, 2008. (D.E. 34, 35.) It presumably served its response on Milan on the same date (D.E. 34 at 18);<sup>1</sup> thus, Milan's reply is due on February 13, 2008 (30 days from January 11, 2008 plus 3 days because the response was served via mail).

Prior to the government's response, Milan filed a motion titled as a "Motion to Abate." (D.E. 29.) In it, he explains that he is being held at a county jail awaiting transfer to a federal institution. He alleges that the law library at the jail is inadequate, that he is unable to receive any assistance in conducting research or using the computers, and that inmates are allowed less than two hours per

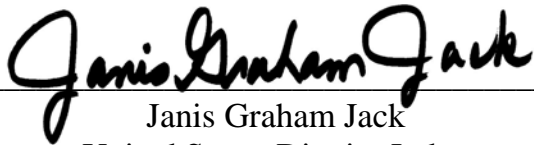
---

<sup>1</sup> The government's response and motion to dismiss contains an incomplete certificate of service. Specifically, it does not indicate the date of service. (See D.E. 34 at 18.)

week in the law library. (D.E. 29 at 1-2.) He asks that the Court “abate” the § 2255 proceedings until he is transferred to a federal facility. (D.E. 29 at 1.)

According to both the government’s certificate of service and the Bureau of Prisons’ website, Milan has since been moved and is currently being housed in a federal facility in California. (See D.E. 34 at 18; see also “Inmate Locator” tool at [www.bop.gov](http://www.bop.gov).) Thus, the alleged limitations at the county jail that Milan complained of in his “Motion to Abate” should no longer pose a problem for him. The Court nonetheless construes his motion to abate as one seeking an extension of time to reply and GRANTS that motion. Milan shall file his reply not later than thirty days after the entry of this Order.

It is so ORDERED this 24th day of January, 2008.

  
\_\_\_\_\_  
Janis Graham Jack  
United States District Judge